

Chapter 114

MINORS: CURFEW AND SUPERVISION

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[HISTORY: Adopted by the Board of Trustees of the Village of Washingtonville 10-19-1992 by L.L. No. 5-1992. Amendments noted where applicable.]

§ 114-1. Legislative intent.

Each year during Halloween, the village is besieged by youths who rampage through sections of the village creating problems for residents and the Washingtonville Police Department. The Police Department has determined that many of the youths were nonresidents who refused to leave the village. Threats of extraordinary violence and destruction beyond the scope of ordinary Halloween merriment and pranksterism have been received by village officials, police officers and other citizens. The complaints received by the Police Department emphasize that people's safety and welfare were in jeopardy. The Board of Trustees and the Police Department believe that the only way to control the situation is to impose a curfew which will protect people's property and well-being.

§ 114-2. Definitions. [Amended 10-20-1998 by L.L. No. 7-1998]

For the purposes of this chapter, the following terms, phrases, words or their derivation shall have the meanings given herein;

CURFEW HOURS —

- A.
The continuous period commencing October 30 at 7:00 p.m. and ending October 31 at 6:00 a.m.
- B.
The continuous period commencing October 31 at 7:00 p.m. and ending November 1 at 6:00 a.m.
- C.
The continuous period commencing October 29 at 7:00 p.m. and ending October 30 at 6:00 a.m., if so determined on an annual basis by resolution of the Board of Trustees.
[Added 10-4-1999 by L.L. No. 6-1999]
- D.
The continuous period commencing November 1 at 7:00 p.m. and ending November 2 at 6:00 a.m., if so determined on an annual basis by resolution of the Board of Trustees.
[Added 10-4-1999 by L.L. No. 6-1999]
- E.
The continuous period commencing November 2 at 7:00 p.m. and ending November 3 at

6:00 a.m., if so determined on an annual basis by resolution of the Board of Trustees.
[Added 10-4-1999 by L.L. No. 6-1999]

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§ 114-2 WASHINGTONVILLE CODE § 114-4

F.

Any other hours or days during the Halloween period as determined by resolution of the Board of Trustees. **[Added 10-4-1999 by L.L. No. 6-1999]**

EMERGENCY — An unforeseen combination of circumstances or the resulting condition that calls for immediate action. The term includes a fire, natural disaster, automobile accident or other situation requiring immediate action to prevent serious bodily injury or loss of life or damage to property.

ESTABLISHMENT — Any privately-owned place of business operated for a profit to which the public is invited.

GUARDIAN —

A. A person who, under court order, is the guardian of the person of a minor; or

B.

A public or private agency, and authorized employees or agents thereof, with whom a minor has been placed by a court.

MINOR — Any person under 18 years of age.

OPERATOR — Any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

PARENT — A person who is:

A. The minor's natural parent, adoptive parent or step-parent; or

B.

At least 22 years of age and authorized by the parent, as defined in Subsection A above, or guardian of the minor to have the care and custody of a minor.

PREMISES — The building, lot or land of an establishment.

PUBLIC PLACE — Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, sidewalks, parks, playgrounds, the common areas of schools, hospitals, apartment houses, office buildings and transport facilities and private property open to the general public for entertainment, commerce or amusement.

REMAIN — To fail to leave the premises of any establishment when requested to do so by a police officer or the owner, operator or employee of the establishment.

§ 114-3. Unlawful conduct. [Amended 10-20-1998 by L.L. No. 7-1998]

It shall be unlawful for:

A. A minor to be in any public place or remain on the premises of any establishment during curfew hours.

B. A parent or guardian of a minor to knowingly permit or, by insufficient control, allow the

minor to be in any public place or remain on the premises of any establishment during curfew hours.

C. The owner, operator or any employee of an establishment to knowingly allow a minor to remain on the premises of the establishment during curfew hours.

§ 114-4. Exceptions.

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§ 114-4 MINORS: CURFEW AND SUPERVISION § 114-6

A. A minor shall not be considered in violation of this chapter if, during curfew hours, the minor is:

- (1) Accompanied by the minor's parent or guardian.
- (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop.
- (3) In a motor vehicle involved in interstate travel.
- (4) Engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop.
- (5) Involved in an emergency.
- (6) Attending an official school, religious or recreational activity supervised by adults and sponsored by the government, a civic organization or another similar entity that takes responsibility for the minor; or going to or returning home from, without any detour or stop, such official activity.
- (7) Exercising First Amendment rights protected by the United States or New York State Constitution, provided that the minor first has given notice to the Chief of Police by delivering a written communication signed by the minor and countersigned by a parent or guardian of the minor which specifies when, where, in what manner and for what purpose the minor will be on or in a public place or establishment during curfew hours.
- (8) Married or had been married or had disabilities of minority removed in accordance with applicable provisions of law.

B. The owner, operator or employee of an establishment shall not be considered in violation of this chapter if an owner, operator or employee promptly notified the Police Department that a minor was present on the premises of the establishment during curfew hours and that the minor was asked to leave and refused.

§ 114-5. Enforcement. [Amended 10-20-1998 by L.L. No. 7-1998¹]

A. This chapter shall be enforced by the Police Department. Police officers are authorized to arrest or to issue appearance tickets to enforce this chapter. Before arresting or issuing an appearance ticket to a minor, a police officer shall ask the person's age and reason for being in the public place or remaining in the establishment. The police officer may demand proof of age, and failure by the person to promptly produce such proof in the form of a valid identification, including name, photograph and date of birth, shall be

presumptive evidence that the person is a minor. Any minor who is arrested or issued an appearance ticket may be detained by the Police Department for a reasonable period of time during which an attempt shall be made to notify the minor's parent or guardian.

- B. The parent or guardian of any minor who is arrested or issued an appearance ticket is required to appear with such minor at the date and time determined for the minor's appearance before the court.

1. Editor's Note: This local law also repealed former § 114-5, Responsibility of owners of public places, and renumbered former § 114-7 as § 114-5.

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§ 114-6 WASHINGTONVILLE CODE § 114-7

§ 114-6. Penalties for offenses. [Amended 10-20-1998 by L.L. No. 7-1998²]

- A. Any person who is convicted of or pleads guilty to violating any provision of this chapter shall be guilty of a violation under the Penal Law and subject to penalties set forth below:
- (1) First violation: a minimum fine of \$50 and a minimum of 15 hours of community service specified by the court.
 - (2) Second violation within same calendar year: a minimum fine of \$75 and a minimum of 15 hours of community service specified by the court.
 - (3) Third and each subsequent violation within the same calendar year: a minimum fine of \$100 and a minimum of 15 hours of community service specified by the court.
- B. Where a minor is required to perform community service, the parent or guardian shall be required to transport the minor to the place(s) where such community service shall be fulfilled.

§ 114-7. Amendment of curfew hours. [Added 10-20-1998 by L.L. No. 7-1998; amended 10-4-1999 by L.L. No. 6-1999; 10-16-2001 by L.L. No. 5-2001]

The curfew hours and curfew days during the Halloween period, including but not limited to October 29, October 30, October 31, November 1 and November 2, may be amended from time to time by resolution of the Board of Trustees.

2. Editor's Note: This local law also repealed former § 114-5, Responsibility of adults, parents or guardians, and renumbered former § 114-8 as § 114-5.

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